

A

# REVIEW

## OF THE

# STATE

## OF THE

# BRITISH NATION.

---

Saturday, June 7. 1707.

---

I Have been exclaiming against the vicious Practice of debauching the Nations of the common People in the Affair of the Union—And have a little shown both the Design and the Party that carry it on.

I was led by the Noise and Clamour of the Envyers of this Paper, to say something relating to my Concern in this Matter; I avoid it as much as possible, but I endeavour to steer in Solomon's Mean, viz. *Answer, and answer not*; answer not foolishly or hotly, as the Fool objects without Reason, Sense or Temper, and yet answer, that is to defend your self from the Charge; but I have done with that.

I now come to the Manner, by which the subtil Opposers of the general Peace carry on their Clamours, and filling the Heads of the poor People with what they think easie to be taken in, they think to bring a general Contempt upon the Union.

And the first thing, they take up with, is short and general; for they say, *The Union is broke.*

Generals must be answer'd in general, but all Generals should be explain'd by Particulars; I wish, the Gentlemen, who attempt this, would come to Particulars, and descending to the Matters of Fact, tell us the how, why, and in what the Union is broke—I shall indeed do it a little for them, and follow them thro' some of the Mazes of Impertinence, with which they disorder the poor Country People, and fill their Heads with Jealousies, Fears, Suspicions and Distractions, at they know not what.

But First, I must lay down in this Paper some general Observations, as to the Point of *breaking the Union*, which being rightly examin'd, may serve to keep the People steady in the main Article, *the Union is self*, when they may think they have Reason to be discontent at particular Circumstances; and if this could be obtain'd, it would be a very good Step towards bringing those, who are least capable of reasoning, to something of Method, and in time to some Temper in the thing.

And

And the main thing, I shall lay down here, is, *The Union not only is not, but really cannot be already broken.*

I repeat it in more explicit Terms —  
*There is at present no Power in Being in the World, that can break or dissolve the Union.*

I hope, no Body will be so absurd to think, I include Divine Power, and therefore I shall make no Explanation there; I hope, I am writing to Christians, who, when I talk of Power being able or not able to do any thing, have always a Reserve for Almighty Power which can do every thing.

Nor methinks should Cavil concern it self here, and tell me, the Parliament of *Britain* is actually in Being; since I may be allow'd, when I am speaking of something which has acted, and of something done, not to mean a thing that has never acted or done any thing at all, and which I think, with Respect to any thing already done, may be properly said not to have a Being; since not to be, or not to have had Power to act, are the same in the Language of this Argument.

These Cautions would be unnecessary, Gentlemen, in any Body but *Me*; but such are the Cavils, such the Niceties, and such the impertinent Treatment this Author meets with in the World, that I am oblig'd to make Proviso's, which no body else would have any Occasion for: But to come to the Affirmative,

I say again, *There is no Power on Earth, that is capable of breaking the Union between these Nations,* and therefore it cannot yet be broken.

1. The Parliament of *England* could not do it, when they were a Power, and I shall not take the Advantage of saying, they are now no Power at all; but as a Power, and when in full Power to act, they could not do it; since by the very Treaty it is stipulated, that whatever Law in *England* contradicted or contravened the Treaty, should stand repealed by the Treaty.

The Parliament then might, by mutual Consent of the Parliament in *Scotland*, repeal and rescind the whole Treaty, and restore both Nations to their former independent State — But the Parliament could not act in any Matter or Things against the Treaty, for any Act so made, had dy'd of Course, and like a false Conception perish'd in the Embryo; nay, some are of Opinion, and I do believe it to be true, that even the Parliament of *England* could not, by a single

Act of Repeal, have disclaim'd and renounc'd the Union, and so have left *Scotland* to have re-assum'd their original State; but it must have been a formal Treaty again, wherein Commissioners being nominated by the QUEEN, might treat of a Dissolving, and a mutual Separation, as they did before of the Incorporating, which Treaty must have been ratify'd by the Joint-Parliament of *Britain*, which must thereupon have been actually first call'd, then dissolv'd, and the ancient respective Constitutions been Parliamentarily restor'd and recogniz'd —

There may be a great Deal to be said in this uncouth Point, but I hope 'tis a Speculation, which shall never come to an Experiment.

2. No antecedent Law, Constitution or Authority can break the Treaty, for the Treaty says expressly, 25th Article, That all Acts of Parliament, which shall contravene the Treaty, are thereby, so far as they are contrary to, or inconsistent with the said Treaty, actually repealed and rescinded.

And here it is to be noted; the Matter about the Importations, and the Lawyers finding out Methods to prevent them by Law, is easily reduc'd to a Head.

If it can legally be done, it ought to be done; if it contravenes the Treaty, it cannot be legal; because no Law in *England*, contravening the Treaty, has any Force at all, but is dead and bury'd, and the Treaty is its Grave-stone, 'tis actually extinct, and stands repealed by the Union.

So that all this Matter lies upon the Law, and not upon the Projects and Opinions of Lawyers; and if any thing transacted in that is illegal, the Peers of *Britain* in Parliament are Judges, and will determine it no doubt to general Satisfaction.

3. Less can the QUEEN break the Treaty; No Power can dissolve this Band, but the same Power that made it; the QUEEN, speaking in the Language of the Constitution, did not make the Treaty, Her Majesty, indeed by the most happy Influence of Her wife and extraordinary Conduct, did bring all the proper Instruments of this Union into a Position and Disposition for the Work; Her Majesty, to the Glory of Her Name, wound up all the Wheels and Springs in the great Machine of State, and set them all a going; Her Majesty pointed the Hands of the respective Constitutions to meet at that Critical Moment, and all to strike UNION at



at the same Hour. Thus virtually the QUEEN made the Union, and it will stand recorded to Her Majesty's Honour, even to the Death of Time, as one of the nicest and greatest Actions any Age ever saw; but I am not writing Panegyricks here, I shall pay my Tribute to Her Majesty's Glory, in that Case, in another way, in the History of that Affair which I am upon.

I need not descend here to the Notion, that the King can do no Wrong, the Servants and Actors of the Commands of Princes being accountable—— But this Doctrine, which is still more substantial, supports what I have to say, *viz.* The QUEEN may, as all other Authorities may, be said not to be able to do, what they cannot legally do; should any Action be done, whether by Her Majesty's Command, by Her Authority, without Her Person, which injures the Treaty, it would be illegal, and would have Redress in Parliament.

4. Least of all, can Force break the Union; Force may violate, but it cannot dissolve; Force may *de Facto* invade, but cannot *de Jure* destroy; Force may do Injury, and Injury may be complain'd of, and must be redress'd; But all this Force is illegal, 'tis Violence, 'tis a Rape upon Liberty, 'tis an Insult upon Justice, an Affront to Government, and always ends in Punishment and Restitution.

And here I must note the constant Usage of Nations in Treaties of Peace, *viz.* To capitulate; that every Infraction or Contravention of the Articles shall not be esteem'd a Breach of the Peace, nor entitle either side to take Arms, or seek Reprisals; but that Commissioners shall meet to determine Matter of Complaint, and Satisfaction shall be made; and if this were not provided in such Cases, no Treaty of Peace could ever hold between any Nation, especially where Soldiers, Garrisons, and Frontiers were contiguous, in which Case Depredations and Fractions are frequent; and it would be then in the Power of every Captain of a Troop of Horse, when he thought fit, to break the Peace, and set all in a Flame again, as often as he thought fit to want an Employment.

The Treaty of Union between these Nations, would have but a very infirm Foundation, if it lay in the Power, or at the Mercy of any separate Branch, even of the Government, much less at the Mercy of pri-

vate Men or Parties of Men, Ministers of State, Officers of Customs, or all the *& Cetera's* of the Administration, to break or dissolve it.

'Tis evident, no Power on Earth, but the Parliament of *Britain*, can put a Period to this Union. And how that can do it, I shall discourse hereafter.

Trespasses upon Articles are Offences against the Union, and must have their Redress in Parliament, and the Actors their Punishment in Parliaments; but to say the Union is broke by this or that Step, taken contrary or seemingly contrary to the Articles, is to say nothing.

Nor is it really an Oppression to have any thing done by the Mistakes or Ignorance; nay, say it be by the Knavery and Design of Instruments, which is against the Treaty— 'Tis an Injury, and may be complain'd of to the Parliament of *Britain*, and the meanest Subject has a free Access thither: If it be complain'd of, and obtains no Redress, it then indeed becomes an Oppression; but 'tis time enough to debate that, when we see a Parliament oppress the People, a thing very unlikely to happen.

I shall give you the Application of all this in my next.

ERRATA, in our last. P. 198. col. 2. l. 46. r. *Vote Exclamations*; p. 199. col. 2. l. 37. *pushing*, r. *buzzing*.

#### ADVERTISEMENT.

Many Gentlemen met on the 1st of May to solemnize the happy Union and Partnership of the two Kingdoms. The natural Products, Manufactures, Trade, Wealth of the one Part were largely recounted, with the boundless Consumption of the vain and destructive Importations. A Gentleman of the other lamented, that we want Care or Prudence to discover our Calamities, and the generous Preservation of the meaner People. The Protection of the Health and Life of the Subjects is the first and most important Duty of the Magistrate. You do not consult your Reason, when you expose your Life to the innumerable Pretenders of the Shops of Medicines, who were never examin'd and approv'd, who have no Learning, nor Skill in the most difficult and hazardous Affair in the World. Your People most absurdly pretend to the Liberty to expose their Life to any one's tampering, they please, but your Government has not the Power to permit the innumerable Quacks to cully and destroy them. Are ye not able to penetrate into the ridiculous and deadly Consequences of the Apothecaries paying themselves by the Numbers and the Rates of the Doses,